That is, when read in context, the phrase "distinct zones" is clear and definite to the skilled artisan.

Further, the Examiner's attention is directed to the specification at page 7, lines 7-15, wherein Applicants describe the multiple component web of the invention, and contrast the multiple component fibers of the invention, in which the multiple polymers exist in "distinct zones", with fibers of single polymers or homogeneous blends of multiple polymers. Certainly the skilled artisan would be fully informed of the meaning of "distinct zones" upon a careful reading and consideration of this portion of the specification.

Withdrawal of the rejection is requested.

**Rejection under 35 U.S.C. § 103(a) over Lickfield et al. in view of Tabor et al.**

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lickfield et al. in view of Tabor et al. Applicants traverse this basis for rejection and respectfully request reconsideration and withdrawal thereof.

The present claims are directed to spunbond nonwoven fabrics composed of multiple component filaments having a polyester component and a polyethylene component. The polyethylene component is a mixture of LLDPE and greater than 50% by weight of HDPE (claim 1).

Lickfield et al. disclose nonwoven composite fabrics having two layers of spunbond webs with a meltblown web sandwiched there between (abstract). Lickfield et al. discloses that the spunbond webs are composed of multiple component filaments having a polyethylene sheath and a polyester core (col. 3, lines 34-40). The polyethylene of the spunbond layer can be selected from polyethylene homopolymers, copolymers and terpolymers (col. 4, lines 62-64).

The meltblown web layer of Lickfield et al. is disclosed to be preferably meltblown microfibers of LLDPE, which is a copolymer of ethylene and an alpha olefin of 3-12 carbon atoms (col. 6, lines 1-5).

As recognized by the Examiner, Lickfield et al. require that their polymer components are gamma radiation stable (abstract).

The Examiner's attention is directed to the fact that Lickfield et al. clearly recognize a distinction between LLDPE, useful in the meltblown web layer, and the polyethylene component of the spunbond web layers, which is never disclosed or

even suggested to contain LLDPE. It is well-settled law that disclosure of a genus cannot make obvious a claimed species.

> The fact that a claimed species or subgenus is encompassed by a prior art genus is not sufficient by itself to establish a prima facie case of obviousness. *In re Baird*, 16 F.3d 380, 382, 29 USPQ2d 1550, 1552 (Fed. Cir. 1994) ("The fact that a claimed compound may be encompassed by a disclosed generic formula does not by itself render that compound obvious.") *In re Jones*, 958 F.2d 347, 350, 21 USPQ2d 1941, 1943 (Fed. Cir. 1992) (Federal Circuit has "decline[d] to extract from *Merck* [*& Co. v. Biocraft Laboratories Inc.*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir. 1989)] the rule that...regardless of how broad, a disclosure of a chemical genus renders obvious any species that happens to fall within it."). MPEP 2144.08 (p. 2100-137).

Accordingly, Applicants respectfully submit that Lickfield et al. did not recognize LLDPE as an advantageous or even suitable component for use in the polyethylene component of the spunbond filaments. Clearly, it would not have been obvious from Lickfield et al. alone to incorporate almost up to 50% by weight of LLDPE into the polyethylene component of their spunbond filaments.

Tabor et al. disclose a method for making bicomponent fibers which are readily colorable by dying, by grafting an olefinic polymer with pendant succinic acid or succinic anhydride groups and using that grafted olefin as a component of the bicomponent fibers (abstract). Tabor et al. fail to disclose or suggest that the grafted olefin polymers useful therein are gamma radiation stable.

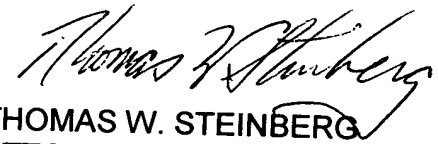
Accordingly, Applicants respectfully submit that the skilled artisan would not have been motivated to utilize the polyolefin mixtures of Tabor et al., which invariably include polyolefins grafted with reactive succinic acid or anhydride groups, in place of the gamma radiation stable polyolefin components of Lickfield et al., because the skilled artisan could have no reasonable expectation of success that such a substitution would result in gamma radiation stable spunbond webs, as required by Lickfield et al.

> Where claimed subject matter has been rejected as obvious in view of a combination of prior art references, a proper analysis under §103 requires, *inter alia*, consideration of two factors: (1) whether the prior art would have suggested to those of ordinary skill in the art that they should make the claimed composition or device, or carry out the claimed process; and (2) whether the prior art would also have revealed that in so making or carrying out, those of ordinary skill would have a reasonable expectation of success.

(Citation omitted). Both the suggestion and the reasonable expectation of success must be founded in the prior art, not in the applicant's disclosure. *In re Vaeck*, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991).

Withdrawal of the rejection and allowance of the claims is requested on this basis.

Respectfully submitted,



THOMAS W. STEINBERG
ATTORNEY FOR APPLICANTS
REGISTRATION NO. 37,013
TELEPHONE: (302) 892-0887
FACSIMILE: (302) 892-7343

Dated: 5/28/02

TWS:fgl